

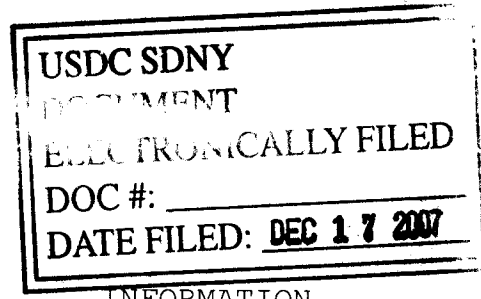
**JUDGE JONES**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

JOSUE BENJAMIN FONG-GUERRA,  
Defendant.



INFORMATION

**07 CRIM 1187**

COUNT ONE

The United States Attorney charges:

1. From in or about December 2006 through in or about September 2007, in the Southern District of New York and elsewhere, JOSUE BENJAMIN FONG-GUERRA, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JOSUE BENJAMIN FONG-GUERRA, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

Overt Act

3. In furtherance of the conspiracy and to effect the illegal object thereof, JOSUE BENJAMIN FONG-GUERRA, the

defendant, committed the following overt act, among others, in the Southern District of New York and elsewhere:

a. On or about December 20, 2006, JOSUE BENJAMIN FONG-GUERRA, the defendant, travelled by bus to New York, New York.

b. On or about September 5, 2007, JOSUE BENJAMIN FONG-GUERRA, the defendant, possessed approximately 4 kilograms of heroin, in El Paso, Texas.

(Title 21, United States Code, Section 846.)

Forfeiture Allegation

4. As a result of committing the controlled substance offense alleged in Count One of this Information, JOSUE BENJAMIN FONG-GUERRA, the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of said violation.

Substitute Asset Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of JOSUE BENJAMIN FONG-GUERRA, the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

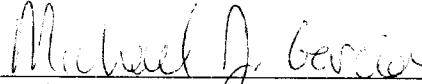
c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value;  
or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of JOSUE BENJAMIN FONG-GUERRA, the defendant, up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)

  
MICHAEL J. GARCIA  
United States Attorney